

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MARGO MCMAHON

Plaintiff,

V.

NORTHWEST AIRLINES

Defendant.

C.A. NO.: 04-30141-KPN

ANSWER AND JURY DEMAND OF
DEFENDANT NORTHWEST AIRLINES, INC.

Defendant Northwest Airlines, Inc. (“Northwest”) responds as follows to the Complaint of plaintiff Margo McMahon (“the plaintiff”).

1. Northwest is without information or knowledge sufficient to form a belief as to the truth of the averments contained in Paragraph 1 of the Complaint.
2. Northwest admits that it is a Minnesota corporation and denies the remaining averments contained in Paragraph 2 of the Complaint.

JURISDICTION AND VENUE

3. Northwest states that the averments contained in Paragraph 3 of the Complaint constitutes a legal conclusion to which no responsive pleading is required. To the extent that a responsive pleading is required, Northwest denies the averments contained in Paragraph 3 of the Complaint.

COUNT ONE

4. Northwest is without information or knowledge sufficient to form a belief as to the truth of the averments contained in Paragraph 4 of Count One of the Complaint.

5. Northwest denies the averments contained in Paragraph 5 of Count One of the Complaint.

FIRST AFFIRMATIVE DEFENSE

The Plaintiff's Complaint fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

If the Plaintiff suffered injuries, as alleged, such injuries were caused by someone for whose conduct the Defendant was not and is not legally responsible.

THIRD AFFIRMATIVE DEFENSE

The Plaintiff's injuries were caused in whole or in part by the Plaintiff's negligence. Accordingly, the damages (if any) the Plaintiff recovers from the Defendant should be reduced in proportion to the Plaintiff's negligence in accordance with M.G.L. c. 231, s. 85 et seq.

FOURTH AFFIRMATIVE DEFENSE

The Plaintiff's claims are barred because her alleged injuries and damages were caused by the acts or omissions of third-parties over whom the Defendant exercised no control and for whose conduct the Defendant bears no responsibility.

FIFTH AFFIRMATIVE DEFENSE

The Plaintiff's claims are barred in whole or in part because she failed to mitigate her damages.

SIXTH AFFIRMATIVE DEFENSE

The Plaintiff's claims are barred because the alleged injuries and damages were caused by the intervening and superseding actions of persons for whom the Defendant bears no responsibility.

SEVENTH AFFIRMATIVE DEFENSE

The Plaintiff's claims should be dismissed for improper venue.

JURY DEMAND

The Defendant requests a trial by jury on all counts so triable.

NORTHWEST AIRLINES, INC.

By its attorneys,

CAMPBELL CAMPBELL EDWARDS & CONROY,
PROFESSIONAL CORPORATION,

/s/ Kathleen M. Guilfoyle

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DATED: April 21, 2005

CERTIFICATE OF SERVICE

I, Kathleen M. Guilfoyle, hereby certify that on April 21, 2005, a true copy of Answer and Jury Demand of Northwest Airlines, Inc. was sent by first-class mail, postage prepaid, to the following counsel of record:

Donald J. Allison, Esq.
David A. Angier, Esq.
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/s/ Kathleen M. Guilfoyle